

REMARKS/ARGUMENTS

By this Amendment, claims 19 and 24 are amended, claims 23 and 31-32 are canceled and claim 33 is added. Claims 16-18 and 23-30 have been withdrawn from consideration pursuant to a restriction requirement. Claims 16-22, 24-30 and 33 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application into condition for allowance (for reasons discussed herein), (b) does not raise any new issues requiring further search and/or consideration (because the Amendment is directed to subject matter previously considered during prosecution), (c) does not present any additional claims without canceling a corresponding number of finally rejected claims, and (d) places the application into better form for appeal, should an appeal be necessary. The Amendment was not previously made because the form of the Amendment was prompted by issues first raised in the Final Rejection. Applicants respectfully request entry of the Amendment.

The cancellation of claim 32 obviates the indefiniteness rejection relating thereto.

Claims 19-22 and 31 stand rejected as allegedly being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,462,100 to Thunhorst et al. This rejection is obviated by the foregoing amendments.

Base claim 19 is now limited to a composite with a coating composition comprising an anti-adhesive layer comprising a xerogel with silica and at least one hydrophobic organic silicon compound. In addition, base claim 19 incorporates from withdrawn claim 16 the limitation of the adhesive layer having a relative coating weight on the wound dressing from 0.05 % to 5 %. Support for this amendment is also provided on page 5, line 23, of the specification.

Thunhorst et al. does not disclose or suggest the use of a xerogel as an anti-adhesive layer in a wound dressing composite. Example 1 of Thunhorst et al., specifically lines 31-38, describes that the derivatized silica product is filtered and dried in a first step and said dried nanomaterial is subsequently polymerized with a second polymerizable organic compound. In particular in view of the filtration step, which prevents the formation of a three-dimensional gel structure, a person skilled in the art would appreciate that only particulate material can be formed

in the first step of this process. Thus, neither in this step nor in the following polymerization step resulting in a foamed polymer product is a silica-based xerogel formed. In contrast to the method of Thunhorst et al., according to the present invention such a xerogel is produced by gently drying a lyogel (layer) obtained from the nanosol initially formed (compare page 5, first paragraph of the specification and, e.g., page 8, last paragraph ("a water-clear gel is obtained")).

Furthermore, the cited reference does not disclose a relative coating weight in the range as specified above. Therefore, Thunhorst et al. does not identically disclose all the features of base claim 19 and dependent claims 20-22.

Accordingly, reconsideration and withdrawal of the anticipation rejection are respectfully requested.

New claim 33 further distinguishes over Thunhorst et al. by the use of the more limiting transitional phrase "consists essentially of". This language excludes the additional polymerizable compounds in the foam of Thunhorst et al.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By 

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Please charge or credit our
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